

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
SPECIAL BOARD MEETING)
_____)

DATE AND TIME: WEDNESDAY, AUGUST 6, 1997
 9:30 A.M.

PLACE: BOARD ROOM
 8800 CAL CENTER DRIVE SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
 CERTIFICATE NO. 7152

BRS FILE NO.: 41081A

APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN MR. ROBERT C. FRAZEE,
VICE CHAIRMAN

MR. WESLEY CHESBRO, MEMBER (NOT PRESENT) MS. JANET
GOTCH, MEMBER

MR. STEVEN R. JONES, MEMBER

MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, LEGAL COUNSEL

MS. MARLENE KELLY, BOARD SECRETARY

MS. PATTI BERTRAM, ADMINISTRATIVE ASSISTANT MS. DOROTHY
RICE, DEPUTY DIRECTOR,

PERMITTING AND ENFORCEMENT

I N D E X

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CALL TO ORDER	4
EX PARTE COMMUNICATIONS	4
ITEM 1: CONSIDERATION OF A STANDARDIZED COMPOSTING PERMIT FOR THE BTI-MANTECA PRODUCTION FACILITY, SAN JOAQUIN COUNTY	
STAFF PRESENTATION	5
PUBLIC TESTIMONY	12
DISCUSSION	8, 13, 21, 27
ACTION	44
OPEN DISCUSSION	NONE
ADJOURNMENT	45

1 SACRAMENTO, CALIFORNIA; WEDNESDAY, AUGUST 6, 1997

2 9:30 A.M.

3

4 CHAIRMAN PENNINGTON: GOOD MORNING.

5 WELCOME TO A SPECIAL MEETING OF THE CALIFORNIA

6 INTEGRATED WASTE MANAGEMENT BOARD. WOULD THE

7 SECRETARY CALL THE ROLL, PLEASE.

8 BOARD SECRETARY: BOARD MEMBER CHESBRO.

9 FRAZEE.

10 BOARD MEMBER FRAZEE: HERE.

11 BOARD SECRETARY: GOTCH.

12 BOARD MEMBER GOTCH: HERE.

13 BOARD SECRETARY: JONES.

14 BOARD MEMBER JONES: HERE.

15 BOARD SECRETARY: RELIS.

16 BOARD MEMBER RELIS: HERE.

17 BOARD SECRETARY: CHAIRMAN PENNINGTON.

18 CHAIRMAN PENNINGTON: HERE. QUORUM IS

19 PRESENT.

20 DO ANY MEMBERS HAVE ANY EX PARTES?

21 BOARD MEMBER JONES: I DO, MR. CHAIRMAN.

22 I GOT AN EX PARTE WITH LARRY SWEETSER AND JEFF

23 DUHAMEL.

24 CHAIRMAN PENNINGTON: OKAY. AS A

25 REMINDER, IF THERE'S ANYBODY WHO WISHES TO
ADDRESS

1 THE BOARD ON THIS PARTICULAR ISSUE, THERE ARE
2 SPEAKER SLIPS AT THE BACK OF THE TABLE. IF YOU
3 WILL FILL ONE OUT AND BRING IT TO MS. KELLY, AND
4 SHE'LL MAKE SURE WE KNOW OF YOUR WISHES TO SPEAK.

5 NOW WE'LL MOVE TO THE ONE AGENDA
6 ITEM WE HAVE TODAY, WHICH IS THE CONSIDERATION OF
7 A STANDARDIZED COMPOSTING PERMIT FOR THE BTI-
8 MANTECA PRODUCTION FACILITY IN SAN JOAQUIN COUNTY.
9 DOROTHY RICE.

10 MS. RICE: THANK YOU VERY MUCH, MR.
11 CHAIRMAN AND MEMBERS. AS YOU WILL RECALL, THIS IS
12 THE STANDARDIZED PERMIT CARRIED OVER FROM LAST
13 MONTH'S -- LAST WEEK'S, I THINK, BOARD MEETING IN
14 ORDER TO ADDRESS OUTSTANDING ISSUES RELATED TO THE
15 PROPERTY BOUNDARY, WHICH WE FEEL WE ARE ABLE TO DO
16 TODAY AND BRING THIS BACK FOR YOUR CONSIDERATION.

17 WE'LL HAVE A STAFF PRESENTATION BY
18 TERRY SMITH ASSISTED BY GREG OLIVERA OF THE LOCAL
19 ENFORCEMENT AGENCY.

20 MR. SMITH: MORNING, MR. CHAIRMAN AND
21 BOARD MEMBERS. CONCURRENCE WITH THIS PERMIT WILL
22 ALLOW BTI TO COMPOST GREEN MATERIALS ON 20 ACRES
23 OF LAND THAT IS SUBLEASED FROM WEAVER INDUSTRIES
24 AND LOCATED WITHIN THE CITY OF MANTECA.

25 BTI EMPLOYS A THERMOPHILIC WINDROW

1 METHOD OF COMPOSTING. THE PRODUCTION PERIOD TAKES
2 APPROXIMATELY 90 DAYS. PLANNED END USES FOR THE
3 COMPOST INCLUDE MATERIALS FOR VERMICOMPOSTING
4 FEEDSTOCK, SOIL AMENDMENTS, AND ORGANIC BASED
5 FERTILIZERS FOR RESIDENTIAL, COMMERCIAL,
6 INSTITUTIONAL, AND AGRICULTURAL MARKETS.

7 AT LAST MONTH'S BOARD MEETING, THE
8 OPERATOR WAIVED THE BOARD'S STATUTORY TIME LINES
9 SO THE BOARD WOULDN'T HAVE TO ACT ON A VERBALLY
10 DESCRIBED SITE PLAN DESCRIPTION AND OTHER LAST
11 MINUTE CHANGES RESULTING FROM THE APPLICANT'S NEW
12 LEASE.

13 THE APPLICANT HAS SINCE PROVIDED THE
14 LEA AND BOARD STAFF AN AMENDED REPORT OF COMPOST-
15 ING SITE INFORMATION AND AN APPLICATION FORM FOR
16 THE COMPOSTING PERMIT, WHICH INCLUDES THE
17 APPLICANT SIGNATURE, THE LANDOWNER SIGNATURE, AND
18 WEAVER INDUSTRIES SIGNATURE.

19 THE AMENDED REPORT OF COMPOSTING
20 SITE INFORMATION INCLUDES A SITE MAP DRAWN TO
21 SCALE WHICH CLEARLY DELINEATES BTI'S PROPOSED
22 COMPOSTING SITE BOUNDARIES AS WELL AS REVISIONS
23 THAT MADE THE LEASE-TENANT RELATIONSHIP BETWEEN
24 WEAVER INDUSTRY AND BTI CLEAR. THE RCSI STATES
25 THAT BTI SUBLEASES APPROXIMATELY 20 ACRES OF LAND

1 FROM WEAVER AND THAT BTI AND WEAVER ARE
2 INDEPENDENT COMPANIES.

3 OTHER ISSUES REGARDING WEAVER
4 INDUSTRIES' LACK OF COMPLIANCE WITH THEIR
5 CONDITIONAL USE PERMIT THAT WAS ISSUED BY THE CITY
6 OF MANTECA WERE ALSO RAISED IN THE LAST MEETING.
7 A CONDITIONAL USE PERMIT IS NOT A PREREQUISITE TO
8 A STANDARDIZED COMPOSTING PERMIT. IT IS STAFF'S
9 UNDERSTANDING THAT THE CONDITIONAL USE PERMIT
10 ISSUED TO WEAVER MIGHT BE REVOKED. WHATEVER
11 ACTION THE CITY ENDS UP TAKING SHOULD NOT,
12 ACCORDING TO STAFF'S UNDERSTANDING OF THE STATUTES
13 AND REGULATIONS, AFFECT A DECISION THAT IS MADE
14 TODAY ON THIS PERMIT.

15 THE LEA AND BOARD STAFF HAVE
16 ANALYZED THE PROPOSED PERMIT AND SUPPORTING
17 DOCUMENTATION AND HAVE DETERMINED THAT ALL THE
18 REQUIREMENTS FOR THIS STANDARDIZED COMPOSTING
19 PERMIT HAVE BEEN MET, INCLUDING CONSISTENCY WITH
20 STATE MINIMUM STANDARDS, CONFORMANCE WITH THE
21 COUNTY INTEGRATED WASTE MANAGEMENT PLAN, AND
22 COMPLIANCE WITH CEQA.

23 STAFF HAVE CONCLUDED THAT THE
24 PROPOSED PERMIT AND SUPPORTING DOCUMENTATIONS ARE
25 ACCEPTABLE FOR BOARD'S CONSIDERATION, AND WE

1 RECOMMEND THAT THE BOARD CONCUR WITH THE ISSUANCE
2 OF SOLID WASTE FACILITY PERMIT NO. 39-AA-0036.

3 MS. CRYSTAL QUINLY AND MR. MARK
4 BROWNTON REPRESENTING BTI AND MR. ED PADILLA AND
5 MR. GREG OLIVERA OF THE SAN JOAQUIN COUNTY LEA
ARE

6 PRESENT AND AVAILABLE TO ANSWER ANY QUESTIONS YOU
7 MAY HAVE. THIS CONCLUDES STAFF PRESENTATION.

8 CHAIRMAN PENNINGTON: THANK YOU.
9 QUESTIONS OF STAFF OR DO YOU WANT TESTIMONY FROM
10 THE PUBLIC FIRST?

11 BOARD MEMBER FRAZEE: I HAVE JUST ONE
12 QUESTION. THE AGENDA ITEM INDICATES UNDER
13 FACILITY TYPE, THE LAST ITEM ON PAGE 1,
14 VERMICOMPOSTING FACILITY. MY OBSERVATION OF THE
15 SITE WAS THAT THAT WAS ONLY A VERY MINOR PORTION
16 OF THE OPERATION, AND THAT MUCH OF THE PRODUCT,
IF
17 NOT THE MAJOR PORTION OF IT, IS SOLD OFF FOR
OTHER

18 PURPOSES OTHER THAN VERMICOMPOSTING.

19 MR. SMITH: THAT'S CORRECT. IT'S
EVOLVED

20 INTO COMPOSTING. IT'S NOT SOLELY VERMICOMPOST.

21 BOARD MEMBER FRAZEE: IF IT WERE SOLELY
A

22 VERMICOMPOSTING, THEN IT WOULD BE EXEMPT FROM

23 PERMIT, RIGHT?

24 MR. SMITH: THAT'S CORRECT.

25 BOARD MEMBER RELIS: MR. CHAIR, JUST THE

1 CLARIFICATION OF THE STAFF FINDING REGARDING THE
2 CONDITIONAL USE PERMIT. THE WAY I HEARD IT IS
3 THAT WHILE NORMALLY WE WOULD DISCUSS THAT IN THE
4 CONTEXT OF A PERMIT, BECAUSE THIS IS CONTAINED --
5 THE BTI OPERATION IS LIKE A DELINEATED AREA WITHIN
6 A LARGER CONDITIONAL USE PERMIT, IF THAT PERMIT
7 WERE RESCINDED, THEY COULD STILL OPERATE. IS THAT
8 THE WAY IT WOULD GO, OR WE DON'T KNOW AND THAT'S
9 OUT OF OUR HANDS.

10 MS. TOBIAS: I THINK THAT'S UP TO THE
11 CITY OF MANTECA IN TERMS OF THEIR USE PERMIT AND
12 WHAT THEY ALLOW TO GO ON ON THE SITE. OUR PERMIT
13 DOES NOT ALLOW SOMEONE TO OPERATE IN ABSENCE OF
14 THEIR OTHER PERMITS THAT ARE NECESSARY. SO THE
15 FACT THAT THEY HAVE A PERMIT FROM US AND THEN
16 THEIR USE PERMIT IS INVALIDATED, IT WOULD BE UP TO
17 THE CITY OF MANTECA TO STOP THE USES ON THE SITE.
18 OUR PERMIT DOES NOT GIVE THEM THE ABILITY TO
19 OPERATE BY THEMSELVES.

20 IT MAY BE, AND I DON'T KNOW ENOUGH
21 ABOUT THIS PARTICULAR SITE, THAT IF -- SOMETIMES
22 USE PERMITS ARE NOT NECESSARY FOR LOW LEVEL
23 ACTIVITIES. SO LET'S SAY, FOR EXAMPLE, THIS
24 PARTICULAR USE IS AN ALLOWABLE USE ON -- IN THIS
25 TYPE OF ZONE, LET'S SAY INDUSTRIAL OR AG ZONE OR

1 WHATEVER. IF HIS ACTIVITY DOESN'T NEED A USE
2 PERMIT AND HE HAS A PROPER PERMIT FROM US, THEN,
3 YES, HE COULD CONTINUE TO OPERATE THEORETICALLY.
4 IF HIS PARTICULAR TYPE OF USE DOES REQUIRE USE
5 PERMIT FROM THE CITY OF MANTECA, THEN I WOULD
6 IMAGINE THE CITY OF MANTECA WOULD BE SHUTTING DOWN
7 ALL USES ON THIS PROPERTY UNTIL THEY HAVE A USE
8 PERMIT.

9 BOARD MEMBER RELIS: AND THAT WOULD BE A
10 MATTER THAT WOULDN'T NECESSARILY COME BACK TO US?

11 MS. TOBIAS: WELL, IT DEPENDS ON WHAT THE
12 CITY DOES. IF THE CITY GIVES THEM A NEW USE
13 PERMIT AND ADOPTS OTHER PERMIT CONDITIONS THAT
14 CHANGE OUR PERMIT, THEN THEY WOULD HAVE TO COME
15 BACK AND HAVE THAT AMENDED. I THINK THAT'S ONE
16 REASON WHY WE HAVE NORMALLY ACTED AFTER THE LOCAL
17 JURISDICTION. IN THIS CASE WE'RE NOT REALLY
18 ACTING AFTER THEM. IT'S GOING TO BE REVOKED IF
19 THEY DON'T -- MY UNDERSTANDING IS IF THEY DON'T
20 MEET CERTAIN CONDITIONS. AND I DON'T KNOW IF I
21 HAVE THE LATEST INFORMATION ON THAT OR NOT.

22 BOARD MEMBER RELIS: JUST FOR -- IS
THERE

23 A REPRESENTATIVE FROM THE CITY HERE AT ALL?

24 MR. SMITH: YES. THERE'S NOT A
25 REPRESENTATIVE FROM THE CITY, I DON'T BELIEVE,

BUT

1 MR. BROWNTON AND OTHERS WERE AT THE MEETING, AND
2 THEY KNOW MORE ABOUT THE PROCESS AND WHAT IT
3 CURTAILS. THEY HAVE A LETTER FROM THE CITY WHICH
4 ADDRESSES THE ISSUE OF -- IF THE CONDITIONAL USE
5 PERMIT IS REVOKED FOR WEAVER, IT TELLS -- THE
6 LETTER STATES THAT THEY CAN GO AHEAD AND APPLY FOR
7 THEIR OWN CONDITIONAL USE PERMIT AND THEN TELLS
8 THEM THAT THEY -- IT MAY NOT BE NECESSARY FOR THEM
9 TO GET A SEPARATE PARCEL OR PARCEL SPLIT TO DO
10 THAT. I DON'T KNOW IF THEY WOULD ALLOW THEM TO
11 CONTINUE TO OPERATE OR NOT.

12 ON THE SECOND PAGE OF OUR COMPOSTING
13 PERMIT, STANDARDIZED COMPOSTING PERMIT, 15,
14 TOWARDS THE BOTTOM, IT SAYS, "IN ADDITION TO THIS
15 PERMIT, THE FACILITY MAY HAVE ONE OR MORE OF THE
16 FOLLOWING PERMITS OR RESTRICTIONS ON ITS
17 OPERATION." THAT'S OTHER THAN THIS PERMIT. AND
18 IT LISTS THE CONDITIONAL USE PERMIT AS ONE OF
19 THOSE OTHER RESTRICTIONS OR PERMITS. AND AS IT
20 SAYS, "THE PERSON SEEKING INFORMATION REGARDING
21 THESE ITEMS SHOULD CONTACT THE APPROPRIATE
22 REGULATORY AGENCY."

23 AND SO EACH ONE OF THESE ARE
24 SEPARATE PERMITS. THE CONDITIONAL USE PERMIT OR
25 THE VARIANCE FROM THE AIR POLLUTION DISTRICT

1 COULD, IN FACT, TAKE THEIR SEPARATE ENFORCEMENT
2 ACTIONS ON THIS SITE WITHOUT, AS FAR AS I KNOW,
3 AFFECTING OUR PERMIT. OUR PERMIT WOULD STILL BE
4 INTACT. OF COURSE, THEY COULDN'T OPERATE, LIKE
5 KATHRYN SAID.

6 CHAIRMAN PENNINGTON: ANY ADDITIONAL
7 QUESTIONS? THEN LET'S HEAR FROM MARK BROWNTON.

8 MR. BROWNTON: MORNING, MR. CHAIRMAN AND
9 BOARD MEMBERS. APPRECIATE VERY MUCH THE
10 OPPORTUNITY TO COME BACK AND DISCUSS THE ISSUES
11 THAT WE TALKED ABOUT TWO WEEKS AGO.

12 TERRY, COULD YOU HOOK THIS MAP UP
13 FOR ME, PLEASE?

14 ONE OF THE QUESTIONS TWO WEEKS AGO
15 HAD TO DO WITH THE DELINEATION OF BTI PROPERTY
16 FROM WEAVER PROPERTY. THIS MAP -- AND I HOPE THAT
17 EACH ONE OF YOU HAVE ONE. IF YOU DO NOT HAVE A
18 CURRENT MAP WITH A HIGHLIGHTED AREA, I WILL BE
19 GLAD TO GET ONE TO YOU RIGHT NOW. WE HAVE EIGHT
20 AND A HALF BY ELEVEN, 11 BY 17, AND 24 BY 30. AND
21 YOU CAN'T SEE?

22 THE -- I'M GOING TO ZOOM IN A LITTLE
23 BIT AND PULL IT OVER TO THIS AREA. NOW, A COUPLE
24 OF THE BOARD MEMBERS HAVE BEEN THERE. AND YOU CAN
25 SEE RIGHT AT THIS POINT RIGHT HERE (INDICATING)

1 SAYS STAGING AND PREPARATION AREA. THERE IS A
2 DARK LINE THAT GOES AROUND THAT AREA DOWN TO HERE,
3 OVER, AND BACK UP TO RIGHT HERE. THEN THE LINE
4 FOLLOWS THE RAILROAD TRACKS AROUND, WHICH IS A
5 VERY CLEAR DELINEATION OF THE PROPERTY, AND THEN
6 DOWN INTO WHAT WE CONSIDER OUR C AREA.

7 WE HAVE PUT 55-GALLON BARRELS AND
8 WITH TAPE DOWN HERE. AND THE RAILROAD TRACK, I
9 BELIEVE IT'S SOUTHERN CALIFORNIA -- SOUTHERN
10 RAILWAYS, UP HERE, AND THEN THERE'S A TRACK DOWN
11 HERE. SO IT'S VERY CLEARLY DEFINED. AND THE
12 PEOPLE THAT VISITED US LAST WEEK COULD TELL VERY
13 CLEARLY WHAT WAS OUR PROPERTY.

14 NOW, IS THERE ANY QUESTIONS ABOUT
15 THE DELINEATION OF THE PROPERTY? WE DID PLACE
16 THE

17 55-GALLON BARRELS WITH -- WHERE NECESSARY WE
18 PLACED CAUTIONARY TAPE, YELLOW CAUTIONARY TAPE.
19 SO IT'S VERY CLEAR TO TELL WHAT IS BTI AND WHAT
20 IS
21 WEAVER.

22 BOARD MEMBER RELIS: IF I MIGHT JUST,
THE
21 CAUTIONARY TAPE IS PROBABLY GOOD FOR, YOU KNOW,
22 LIKE DETECTIVE CASES. BUT IN THE LONG RUN, YOU

23 KNOW, THAT'S GOING TO BLOW AWAY AND SO WHATEVER -

-

24 ASSUMING IF WE WERE TO CONCUR TODAY, ARE WE GOING

25 TO HAVE SOME MORE PERMANENT BOUNDARIES SO THAT IF

1 A SECTION BLOWS DOWN, THE ENFORCEMENT PEOPLE WILL
2 STILL KNOW YOUR AREA?

3 MR. BROWNTON: I'M WORKING WITH LOCAL
4 LEA'S AND -- IN DETERMINING EXACTLY WHAT TYPE OF
5 FENCING OR WHAT WOULD WORK BEST FOR THEM. WITHIN
6 A TWO-WEEK PERIOD, I DID PROMISE YOU THAT RIGHT
7 AFTER I LEFT HERE, I WOULD TAKE CARE OF THAT, AND
8 I DID NOT HAVE TIME TO REALLY GET INTO ANY
9 PERMANENT STRUCTURE. BUT FOR TEMPORARILY, IT
10 MARKS IT VERY CLEARLY. AND ED PADILLA WILL HELP
11 ME IN DETERMINING EXACTLY HOW TO MAKE THIS
12 PERMANENT AND GREAT.

13 OKAY. ANY OTHER QUESTIONS?

14 BOARD MEMBER JONES: JUST ONE. THE
15 DELINEATION OF THE PROPERTY NOW, IS IT GOING TO
16 KEEP BOTH ENTITIES' MATERIALS COMPLETELY
17 SEGREGATED? WEAVER'S MATERIAL IS NOT GOING TO BE
18 ON YOUR OPERATING AREA. YOURS ISN'T GOING TO BE
19 ON WEAVER'S OPERATING AREA.

20 MR. BROWNTON: ABSOLUTELY.

21 ANY OTHER QUESTIONS?

22 THE -- TERRY SMITH HAS NOTED THAT
23 THE RCSI HAS BEEN REVISED TO NOTE THAT IT IS A
24 TENANT-LEASE RELATIONSHIP AND THAT THERE IS
25 ABSOLUTELY NO PLACE ANY RELATIONSHIP BETWEEN BTI

1 AND WEAVER INDUSTRIES. THEY ARE TWO COMPLETELY
2 SEPARATE HELD COMPANIES.

3 AND I BELIEVE THAT THIS COVERS THE
4 ISSUES THAT WE TALKED ABOUT LAST WEEK -- TWO WEEKS
5 AGO.

6 AND CRYSTAL QUINLY, WHO IS OUR
7 QUALITY CONTROL AND COMPLIANCE OFFICER, IS HERE
8 TODAY. AND IF YOU HAVE NO FURTHER QUESTIONS FOR
9 ME, I WILL HAVE HER ADDRESS HER COMMUNICATIONS
10 WITH THE CITY CONCERNING DUST, FIRE, AND THE CUP.
11 IS THERE ANY FURTHER QUESTIONS FOR ME?

12 THANK YOU FOR YOUR CONSIDERATION
13 TODAY.

14 CHAIRMAN PENNINGTON: CERTAINLY. MS.
15 CRYSTAL QUINLY.

16 MS. QUINLY: CRYSTAL QUINLY. I DO HAVE A
17 LETTER FROM THE CITY OF MANTECA WHICH I HAD GIVEN
18 TO TERRY SMITH. AS FAR AS THE CUP, THE CITY HAS
19 STATED THERE WILL BE OR INDICATED THERE'S NO
20 PROBLEM WITH BTI RECEIVING OUR OWN CUP. THERE IS
21 NOT A SUBDIVISION REQUIRED, AND THAT WE WILL BE
22 ABLE TO CONTINUE OPERATING EVEN IF WEAVER'S USE
23 PERMIT IS REVOKED.

24 BOARD MEMBER RELIS: COULD WE GET A COPY
25 OF THAT LETTER?

1 MS. QUINLY: YES.

2 AS FAR AS THE FIRE, I'VE ALSO SPOKEN
3 WITH RON WADDLE, WHO IS THE FIRE CHIEF FOR THE
4 CITY OF MANTECA. HE HAS INDICATED THAT, AGAIN, WE
5 ARE IN COMPLETE COMPLIANCE AND THAT WE WILL BE
6 ABLE TO COMPLY WITH ANY FIRE CONDITIONS THAT THEY
7 PUT ON BTI.

8 ARE THERE ANY QUESTIONS?

9 CHAIRMAN PENNINGTON: QUESTIONS? OKAY.
10 THANK YOU. NOW WE HAVE MR. JOHN HAYES.

11 MS. QUINLY: COULD I MENTION ONE MORE
12 THING ABOUT THE DUST? I JUST WANT TO BE SURE THAT
13 THE BOARD KNOWS THAT AS FAR AS ANY DUST, WE DO
14 HAVE DUST SUPPRESSION ON ALL OUR EQUIPMENT WHICH
15 INCLUDES A SCREEN AND BOTH COMPOST TURNERS.

16 CHAIRMAN PENNINGTON: OKAY. MR. JOHN
17 HAYES.

18 MR. HAYES: I'M THE NEIGHBOR TO THE SITE
19 THERE. I DON'T KNOW HOW YOU GOT THAT ON THERE. I
20 LIVE RIGHT ABOUT THERE (INDICATING). AND WE GET
21 DUST JUST ABOUT EVERY DAY FROM THIS COMPANY. I
22 HAVE PICTURES HERE IF I COULD PASS THEM AROUND,
23 SHOWING FROM -- I GUESS THIS WOULD BE FROM THE
24 SOUTH OF THEIR PROPERTY LOOKING NORTH AT OUR
25 HOUSE, AND YOU CAN'T EVEN HARDLY SEE THE HOUSE

1 BECAUSE OF THE DUST.

2 AND I ALSO HAVE PICTURES OF MY
3 SHEDS. THERE'S A COUPLE OF SHEDS OUT THERE. AND
4 THE SAWDUST IS COVERING ALL OVER INSIDE OF THE
5 SHEDS.

6 BOARD MEMBER GOTCH: MR. HAYES, I MISSED
7 WHERE YOU SAID THAT YOUR HOME WAS. IS THAT IN
8 RELATION TO THIS MAP?

9 MR. HAYES: YEAH. RIGHT ABOUT HERE
10 (INDICATING).

11 BOARD MEMBER GOTCH: OKAY. THANK YOU.

12 MR. HAYES: HERE'S A COVER -- A PICTURE
13 OF MY BOAT WHICH IS COVERED, HAS A COVER OVER THE
14 TOP OF IT, BUT THE SAWDUST STILL GETS UNDERNEATH
15 THE BOAT COVER ITSELF.

16 AND ALSO, HERE'S A PICTURE OF ONE OF
17 THEIR EQUIPMENTS, WHICH I BELIEVE IT TURNS THE
18 STUFF. AND YOU CAN SEE THE DUST GOING UP IN THE
19 AIR, WHICH BLOWS OVER MY HOUSE.

20 MY NEXT SET OF PICTURES IS A PICTURE
21 OF MY TRUCK COVERED WITH SAWDUST. AND HERE'S A
22 PICTURE OF THEIR EQUIPMENT DOING SOMETHING. I'M
23 NOT SURE WHAT THEY'RE DOING OVER THERE BECAUSE YOU
24 CAN'T SEE THE EQUIPMENT, BUT YOU SEE THE SAWDUST
25 START BLOWING UP IN THE AIR. AND IF YOU KEEP

1 LOOKING AT THE PICTURES, YOU CAN SEE WHERE IT GOES
2 OVER THE TOP OF A BIG OLD MOUND OF DIRT, AND IT'S
3 HEADED RIGHT TOWARDS THE HOUSE. THE WIND ALMOST
4 EVERY DAY BLOWS TOWARDS OUR HOUSE FROM THAT
5 DIRECTION.

6 AND HERE'S ANOTHER SET. I GOT THE
7 DATE ON THESE HERE. ON THE 27TH AND 28TH OF JUNE,
8 THE WIND WAS VERY HEAVY, AND HERE'S MY TRUCK AFTER
9 ONE HOUR. I TOOK A PICTURE OF THE WINDOW AND ONE
10 PICTURE WHERE THE WINDSHIELD WIPER WOULD BE. I
11 PULLED UP THE WINDSHIELD WIPER AND PUT ENVELOPES
12 BEHIND THE WINDSHIELD, AND YOU CAN SEE THE SAWDUST
13 AFTER ONE HOUR.

14 AND THEN OVER THOSE TWO DAYS, THE
15 SAWDUST WAS SO HEAVY, IT WAS COMING IN THROUGH THE
16 WINDOWS AND STUFF. AND HERE'S THE INSIDE OF THE
17 HOUSE WHERE YOU CAN SEE IT ON. I HAVE A BLACK --
18 IT'S A CASE ABOUT THIS HIGH (INDICATING), AND
19 ANYHOW, YOU CAN SEE THE SAWDUST ON THERE AFTER TWO
20 DAYS.

21 I HAVE ALSO SENT A COUPLE OF LETTERS
22 OUT TO AIR POLLUTION CONTROL WHICH -- WELL, IF I
23 START AT THE BEGINNING HERE, WHEN THEY FIRST MOVED
24 IN, THEY PUT SOME PILES RIGHT ON THE OTHER SIDE OF
25 OUR FENCE FROM OUR HOUSE, AND FOR ABOUT EIGHT

1 MONTHS TO A YEAR AT LEAST ONCE A MONTH I ASKED
2 THEM IF THEY COULD MOVE THOSE PILES BECAUSE IT WAS
3 LIKE SNOWING AT OUR HOUSE EVERY DAY. AND THEY
4 KEPT GIVING ME THE RUNAROUND. "OH, YEAH. WE'RE
5 GOING TO GET RID OF IT. WE'RE GOING TO GET RID OF
6 IT. WE'RE WAITING FOR THIS OR WAITING FOR THAT."
7 AND NEVER DID IT. SO I CALLED AIR POLLUTION
8 CONTROL, AND THEY CAME OUT AND TALKED TO THEM AND
9 EVENTUALLY THEY DID MOVE THE PRODUCT TO THE OTHER
10 SIDE OF THE BUILDINGS.

11 SO WE STILL KEEP HAVING PROBLEMS
12 WITH SAWDUST COMING OVER THERE, SO I WROTE SOME
13 LETTERS TO AIR POLLUTION CONTROL, SENT THEM TO
14 WEAVER INDUSTRIES, AND NEVER GOT ANY REPLY FROM
15 WEAVER INDUSTRIES WHATSOEVER. AIR POLLUTION
16 CONTROL CAME OUT AND SAID, "WELL, WE'LL DO WHAT
WE
17 CAN DO. WE TRY TO WORK WITH THE COMPANY FIRST
IN
18 SOLVING THE PROBLEM."

19 AND THEY TOLD -- THE WEAVERS TOLD
20 THEM THEY'RE WATERING DOWN THE ROADS AND STUFF
AND
21 TRYING TO MAKE IT LOOK LIKE THEY'RE REALLY DOING
22 SOMETHING TO ATTEMPT KEEPING THE SAWDUST ON
THEIR

23 OWN PROPERTY. BUT ALL ACTUALITY, IF YOU LOOK AT
24 IT, THEY NEVER WATER DOWN BY OUR HOUSE. VERY
25 SELDOM WE EVER SEE THAT AREA WATERED. THEY
WATER

1 BY THEIR OFFICE ALMOST EVERY DAY. AND THE STUFF
2 STILL COMES OVER.

3 AND HERE'S A COPY OF THE LETTERS.
4 AND ON THE LAST LETTER HERE, I HAVE MARKED EVERY
5 DAY WHETHER IT WAS -- THE SAWDUST WAS LIGHT,
6 MEDIUM, HEAVY, OR NONE. AND OUT OF THE WHOLE
7 MONTH OF JUNE THERE, THERE'S ONLY THREE DAYS WHEN
8 WE DIDN'T GET ANY SAWDUST AT ALL.

9 AND ON, I BELIEVE IT WAS, LAST
10 TUESDAY, WHEN THEY HAD THAT MEETING IN MANTECA, I
11 ASKED THE FIREMAN IF THERE WAS -- IF THERE WAS A
12 FIRE OVER THERE, WOULD THERE -- WOULD MY HOUSE BE
13 IN DANGER. AND HIS QUOTE IS IN THIS NEWSPAPER
14 RIGHT HERE SAYING HE COULD NOT GUARANTEE THAT WE
15 WOULDN'T HAVE A PROBLEM AT OUR HOUSE. AND AT THAT
16 TIME I COULD HAVE SWORE THAT IT WAS ALSO SAID THAT
17 THEY WERE NOT IN COMPLIANCE. HERE'S A COPY OF
18 THAT PAPER HERE. I DON'T HAVE IT HIGHLIGHTED, BUT
19 IT'S RIGHT HERE (INDICATING).

20 SO BASICALLY, LIKE I SAY, WE'RE
21 GETTING SAWDUST EVERY DAY PRETTY MUCH. AND
22 WEAVERS HAS NOT MADE ANY ATTEMPT TO SOLVE THE
23 PROBLEM WITH ME. WHETHER HE'S DOING IT ON HIS OWN
24 OVER THERE, I HAVEN'T SEEN ANYTHING HAPPENING WITH
25 IT. THANK YOU VERY MUCH.

1 CHAIRMAN PENNINGTON: QUESTIONS OF MR.

2 HAYES?

3 BOARD MEMBER FRAZEE: YES, I DO. ARE YOU
4 AWARE THAT THIS IS NOT WEAVER'S PERMIT THAT WE'RE
5 HEARING TODAY?

6 MR. HAYES: NO.

7 BOARD MEMBER FRAZEE: AND THAT THE PERMIT
8 THAT WE'RE HEARING, BTI, MY OBSERVATION OF THE
9 SITE AND MY UNDERSTANDING WAS THAT THEY DO NOT USE
10 ANY SAWDUST, THAT THE SAWDUST IS OFF THE PARCEL IN
11 QUESTION. AND I OBSERVED THAT SITE AND YOUR HOUSE
12 AND THE NEARNESS TO IT, BUT THAT'S NOT THE SUBJECT
13 OF THIS PERMIT. IT'S A SEPARATE PARCEL, AND THE
14 WEAVER PERMIT IS NOT BEFORE US.

15 MR. HAYES: NO, I WASN'T AWARE OF THAT.
16 ALSO, WHEN I SAY SAWDUST, I DON'T MEAN JUST THE
17 SAWDUST. IT'S ALSO THE PARTICLES FROM ALL
18 THAT

18 GROUND GREEN WASTE THAT'S OUT THERE.

19 CHAIRMAN PENNINGTON: ANY ADDITIONAL
20 QUESTIONS?

21 BOARD MEMBER RELIS: JUST ON THAT,
22 YOU

22 ANSWERED THE SAME -- I WAS ABOUT TO ASK THE
23 SAME

23 THING, IF IT WAS SAWDUST YOU SAW. DOES BTI'S

24 OPERATION USE SAWDUST? AND IF NOT, THEN IS
THIS
25 COMING OFF THE WEAVER PORTION AND MAYBE WE
COULD

1 HEAR --

2 MR. HAYES: IT COMES FROM ALL OF IT.

3 BOARD MEMBER RELIS: -- FROM BOTH THE
4 OPERATOR AND THE LEA ON THIS.

5 MR. HAYES: IT'S HARD TO TELL EXACTLY
6 WHERE IT'S COMING FROM. I MEAN SOMETIMES YOU CAN
7 SEE THE WIND -- WHEN IT'S REALLY WINDY, YOU CAN
8 SEE IT'S ACTUALLY SAWDUST BECAUSE THE SAWDUST IS
9 MORE OF A YELLOWISH COLOR. AND THAT'S COMING
FROM

10 THE OTHER SIDE OF THE BUILDINGS, AND YOU CAN
11 ACTUALLY SEE IT COMING OVER THE BUILDINGS. MOST
12 OF THE TIME IT'S STUFF COMING OUT OF THE BACK. I
13 DON'T KNOW WHOSE PRODUCT IT IS.

14 BOARD MEMBER RELIS: WE'RE NOT
15 QUESTIONING WHETHER YOU HAVE A PROBLEM. THESE
16 PICTURES INDICATE YOU PROBABLY HAVE A PROBLEM.
17 BUT WE DON'T -- AS MR. FRAZEE SAID, WE'RE DEALING
18 WITH A 20-ACRE OPERATION WITHIN A LARGER AREA
19 WHERE LOTS OF MATERIAL IS STORED. AND WHAT IS OF
20 INTEREST TO US HERE ON THIS PERMIT, IS THIS A
DUST

21 PROBLEM FROM THE BTI OPERATION? OR DOES THE LEA
22 AND THE -- DO WE FEEL THAT THE DUST IS RESULTING
23 FROM THE REST OF THE PROPERTY? BECAUSE THAT
ISN'T

24 OUR FOCUS HERE TODAY, THE REST.
25 MR. HAYES: LIKE I SAY, I DON'T KNOW

1 EXACTLY WHERE IT'S COMING FROM AS FAR AS WHOSE IS
2 WHAT OVER THERE. THIS IS THE FIRST TIME I EVER
3 SEEN A SPLIT OF WEAVER AND BTI TO BEGIN WITH. I
4 KNOW IT'S COMING FROM THE BACK BACK THERE.
5 WHETHER IT'S THEIR PRODUCT OR NOT, I DON'T KNOW.

6 CHAIRMAN PENNINGTON: OKAY. ADDITIONAL
7 QUESTIONS OF MR. HAYES? THANK YOU, MR. HAYES.

8 MR. HAYES: THANK YOU.

9 CHAIRMAN PENNINGTON: NOW WE'LL HEAR FROM
10 EVAN EDGAR.

11 MR. EDGAR: GOOD MORNING, CHAIRMAN AND
12 BOARD MEMBERS. MY NAME IS EVAN EDGAR ON BEHALF OF
13 THE CALIFORNIA REFUSE REMOVAL COUNCIL,
14 REPRESENTING 15 PERMITTED COMPOST FACILITIES
15 STATEWIDE AND FOUR PERMITTED COMPOST FACILITIES
16 WITHIN THE IMMEDIATE REGION.

17 TODAY I RECOMMEND NOT TO CONCUR WITH
18 THE PERMIT. I RECOMMEND THE OPERATOR TO WITHDRAW
19 THE PERMIT AND RESUBMIT IT WHEN HE COMES BACK WITH
20 A CUP SEPARATE FOR THE BTI FACILITY. APPARENTLY
21 THE CITY INDICATED THAT IT'S POSSIBLE. AND I
22 THINK THAT WHEN HE HAS THAT PERMIT, THAT WOULD BE
23 A GREAT TIME TO RESUBMIT AND COME BACK IN FRONT OF
24 THIS BOARD AND GET CONCURRENCE.

25 WHY AM I RECOMMENDING NOT TO CONCUR?

1 WELL, FIRST OF ALL, I WAS AT THE MEETING AT THE
2 CITY OF MANTECA WITH THE CUP HEARING. AND CITY OF
3 MANTECA PLANNING COMMISSION RECOMMENDED TO REVOKE
4 THE CUP BASED UPON SEVERAL CONDITIONS. A LOT OF
5 THOSE CONDITIONS ARE OUTSIDE THE SCOPE OF THIS
6 WASTE BOARD. THE WASTE BOARD AUTHORITY IS RATHER
7 NARROW WITH REGARDS TO WHAT GOES ON AT COMPOST
8 FACILITIES AND URBAN GREEN WASTE CHIP AND SHIP
9 FACILITIES.

10 ONE OF THE REASONS WHY THE CITY OF
11 MANTECA PLANNING COMMISSION RECOMMENDED TO REVOKE
12 THE CUP WAS LACK OF COMPLIANCE ON FIRE CONTROL.
13 IF YOU LOOK AT ARTICLE 6, SECTION 17867, PART
14 (B)(1), IT SAYS THAT THE OPERATOR SHALL PROVIDE
15 FIRE PREVENTION PROTECTION AND CONTROL MEASURES,
16 INCLUDING BUT NOT LIMITED TO TEMPERATURE CONTROL
17 AS WELL AS ADEQUATE WATER SUPPLY FOR FIRE
18 SUPPRESSION AND ISOLATION OF POTENTIAL IGNITION
19 SOURCES FROM COMBUSTIBLE MATERIALS.

20 WHEN I WAS IN THE CITY OF MANTECA
21 HEARING, IT WAS RATHER EVIDENT THAT THERE WAS NO
22 FIRE CONTROL OVER THE ENTIRE 80 ACRES. I
23 RECOGNIZE IT'S A 20-ACRE OPERATIONAL AREA WITHIN
24 AN 80-ACRE PARCEL, BUT THE ENTIRE SITE, BECAUSE
25 THE CUP IS FOR THE ENTIRE 80 ACRES.

1 AND DURING THE TESTIMONY TIM WEAVER,
2 THE OPERATOR, AFTER EIGHT MONTHS OF KNOWING THAT
3 HE WAS OUT OF COMPLIANCE WITH THE CUP, AFTER SIX
4 MONTHS OF BEING PUT ON NOTICE BY THE CITY OF
5 MANTECA, RECOGNIZED HE WAS NOT IN FIRE CONTROL
6 COMPLIANCE. DURING THE MEETING THE FIRE CHIEF
7 SAID HE NEEDED TO HAVE 3,500 GALLONS PER MINUTE.
8 AND DURING THE MEETING, THEY TRIED TO DEVISE SOME
9 PLAN ON THE BACK OF A NAPKIN THAT MAY OR MAY NOT
10 WORK, BUT IT DIDN'T WORK. THEY DO NOT HAVE FIRE
11 CONTROL.

12 AND THAT'S ONE OF THE KEY REASONS
13 WHY THE CUP WAS INTENDED TO BE REVOKED. THERE
14 WILL BE A HEARING NEXT FRIDAY WITH -- TO REVOKE
15 THE CUP WITH FINDINGS. THEN THE OPERATOR HAS TEN
16 DAYS TO APPEAL.

17 WHAT I DIDN'T HEAR TODAY WAS THAT
18 THE FIRE CONTROL WAS IN PLACE. BTI REPRESENTA-
19 TIVES SAID THAT THEY'RE WORKING WITH THE FIRE
20 CHIEF, BUT IS THE FIRE CONTROL IN PLACE
TODAY FOR

21 ANY FIRE CONTROL HAZARDS? NO, IT'S NOT.
SO

22 THAT'S A KEY TITLE 14 CONDITION THAT THIS
BOARD

23 NEEDS TO RECOGNIZE WITH OR WITHOUT THE

CUP.

24

I THINK WITH REGARDS TO THE

DUST

25 CONTROL, THAT 80 ACRES, WE DO HAVE 20
ACRES CARVED

1 OUT WITH REGARDS TO SOME FIRE TAPE OR SOME
2 EMERGENCY TAPE, BUT I DON'T THINK THE WIND
3 RECOGNIZES DIFFERENT OPERATIONAL AREAS BASED UPON
4 THAT TYPE OF DELINEATION. I BELIEVE THE
5 CUMULATIVE IMPACT OF THESE 80 ACRES IS
6 CONTRIBUTING TO THE PUBLIC HEALTH AND SAFETY
7 PROBLEM NEXT DOOR. I DON'T THINK YOU CAN REALLY
8 SEPARATE 20 ACRES FROM 80 ACRES AND SAY THAT ONLY
9 60 ACRES ARE CONTRIBUTING TO A PROBLEM WHEN THE
10 ENTIRE SITE IS.

11 BASICALLY THAT'S MY TESTIMONY TODAY.
12 IT WAS VERY FOCUSED, JUST ON TITLE 14 WITHIN YOUR
13 AUTHORITY. ONCE AGAIN, I URGE YOU NOT TO CONCUR
14 WITH THE PERMIT FOR VALID REASONS. AND I BELIEVE
15 THAT WHEN THE CITY OF MANTECA HAS A NEW CUP FOR
16 BTI WITH FIRE CONTROL IN PLACE, IT WILL BE A GREAT
17 TIME FOR THE OPERATOR TO COME BACK IN FRONT OF
18 THIS BOARD AND GET A NEW PERMIT.

19 MEANWHILE, ON THE OTHER 60 ACRES, WE
20 DO HAVE THAT EXISTING CHIP AND SHIP FACILITY, WE
21 HAVE TITLE 14 REGULATIONS IN PLACE, THERE'S A LOT
22 OF PROBLEMS OVER THERE, AND THERE'S TOTAL LACK OF
23 ENFORCEMENT ON ANY EFFORT TO PUT THE WEAVER
24 FACILITY BACK INTO ANY TYPE OF COMPLIANCE WITH
25 EXISTING REGULATIONS. THAT'S A WHOLE ANOTHER

1 ISSUE. BUT BECAUSE OF THAT ISSUE, THAT'S WHY I'M
2 HERE TODAY, AS WELL AS THE CUMULATIVE IMPACT OF
3 THE ENTIRE 80 ACRES. I THANK YOU FOR THE
4 OPPORTUNITY TO SPEAK TODAY AND HAVE THE SPECIAL
5 HEARING.

6 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
7 EDGAR?

8 MR. CHANDLER: MR. PENNINGTON, I HAVE A
9 QUESTION. I GUESS I WANT TO ASK MR. EDGAR. YOU
10 JUST OUTLINED THE CITY'S OBSERVATIONS OR FINDINGS
11 RELATIVE TO THE VIOLATIONS UNDER THIS CODE. AND I
12 GUESS MY QUESTION IS ARE YOU INDICATING THAT THERE
13 WAS AN ATTEMPT OR THERE WAS AN ATTEMPT TO
14 DISTINGUISH THOSE VIOLATIONS BETWEEN THE WEAVER
15 OPERATIONS AND THE BTI OPERATIONS?

16 MR. EDGAR: GOOD QUESTION. THE HEARING
17 LASTED FOR TWO, TWO AND A HALF HOURS LAST TUESDAY
18 NIGHT, AND THE CUP IS FOR THE ENTIRE 80 ACRES.
19 THERE WAS NO DISTINCTION WITH REGARDS TO
20 SEPARATING THE TWO. THEY HAD A WHOLE LIST OF
21 FINDINGS THAT THEY MADE, AND TUESDAY THEY'RE GOING
22 TO HAVE THEM IN WRITING AND TO ADOPT THOSE
23 FINDINGS.

24 BUT -- AND THERE WAS NO DIFFERENCE
25 BETWEEN THE BTI OR THE WEAVER FACILITY THAT I

1 UNDERSTOOD BECAUSE THE CONDITION WAS FOR THE
2 ENTIRE 80 ACRES. BUT TODAY I ONLY MENTIONED THE
3 FIRE BECAUSE THAT'S WHAT'S PERTINENT TO THIS
4 BOARD. I DIDN'T MENTION THE OTHER 30 THINGS THAT
5 ARE PENDING.

6 MR. CHANDLER: BUT THERE WASN'T ANY
7 DISCUSSION OR AN ATTEMPT TO DISTINGUISH IN LISTING
8 THESE VIOLATIONS WHICH APPLIED TO WHICH OPERATION
9 AT THE SITE?

10 MR. EDGAR: BECAUSE WEAVER WAS THE
11 LEASEHOLDER OF THE SITE AND THE PRIME HOLDER, HE
12 ANSWERED ALL THE QUESTIONS. BTI WAS THERE AND DID
13 HAVE SOME COMMENTS. BUT WITH REGARDS TO THE CITY
14 OF MANTECA AND THE QUESTIONING FROM THE PLANNING
15 COMMISSION, IT FOCUSED ON THE ENTIRE 80 ACRES AND
16 THE CUP CONDITIONS FOR THOSE 80 ACRES.

17 CHAIRMAN PENNINGTON: IF I READ THIS
18 LETTER CORRECTLY, THAT THE WEAVER CUP IS
19 PROBABLY -- HAS BEEN RECOMMENDED TO BE REVOKED BY
20 THE CITY COUNCIL. AND NOW THE CITY DEPUTY
21 DIRECTOR OF PLANNING AND DEVELOPMENT IS SAYING
22 THAT BTI CAN COME BACK IN AND GET A CUP FOR THE
23 ENTIRE 80 ACRES, SO IT'S SORT OF SWAPPING, ISN'T
24 IT?

25 MR. EDGAR: I BELIEVE THAT WEAVER

1 INDUSTRIES HAVE A PROVEN TRACK RECORD STATEWIDE OF
2 NONCOMPLIANCE AND DRAGGING THINGS OUT. BTI HAS A
3 LOT BETTER TRACK RECORD OF BEING A QUALITY COMPOST
4 OPERATOR. SO I BELIEVE THAT BY SWITCHING THINGS
5 OVER TO A NEW OPERATOR, I BELIEVE THEY'LL PROBABLY
6 GET THE COMPLIANCE THINGS THEY NEED IN ORDER TO
7 HAVE A FULLY PERMITTED -- I MEAN A PERMITTED
8 COMPOST FACILITY. BUT I'M NOT SURE ABOUT THE 20
9 OR 80 ACRES. I'M NOT SURE IF THE CITY OF MANTECA
10 IS GOING TO CARVE OUT 20 ACRES JUST FOR BTI OR
11 IT'S GOING TO BE THE ENTIRE 80 ACRES. I'M NOT
12 SURE OF THAT.

13 CHAIRMAN PENNINGTON: SO THE USE PERMIT
14 APPLICATION CONTINUES -- I MEAN CAN BE FOR THE
15 ENTIRE 80-ACRE SITE.

16 MR. EDGAR: THAT DIDN'T COME UP DURING
17 THE HEARING.

18 BOARD MEMBER FRAZEE: OR A PORTION.

19 MR. EDGAR: I'M NOT SURE OF THE
20 PREFERENCE OF THE COMPOST OPERATOR.

21 CHAIRMAN PENNINGTON: ARE YOU GOING --
22 BTI, ARE YOU GOING TO APPLY FOR JUST THE 20
ACRES?

23 MR. BROWNTON: WE WILL APPLY FOR A CUP
24 WHEN OR IF THE CITY OF MANTECA REVOKES WEAVER'S.
25 OTHERWISE, RIGHT NOW IT'S FOR THE ENTIRE 80

ACRES.

1 THE 20 ACRES IS SPECIFICALLY UNDER THIS PERMIT.
2 WHAT WEAVER'S OPERATIONS ARE HAVE ABSOLUTELY
3 NOTHING TO DO WITH BTI EXCEPT FOR THE FACT WE ARE
4 SUBLEASING FROM WEAVER, WHO HOLDS THE CUP. IT IS
5 CURRENT TODAY, AND THAT'S THE REASON THAT WE ARE
6 APPLYING.

7 CHAIRMAN PENNINGTON: UNDERSTAND. BUT
8 WHEN -- IF THE RECOMMENDATION OF THE PLANNING
9 COMMITTEE IS TO REVOKE THE CUP AND THE CITY GOES
10 ALONG WITH THAT, THEN YOU WILL APPLY FOR A CUP.

11 MR. BROWNTON: IMMEDIATELY.

12 CHAIRMAN PENNINGTON: BUT WILL YOU APPLY
13 FOR ONLY THE 20 ACRES OR FOR THE FULL 80 ACRES?

14 MR. BROWNTON: I'LL HAVE TO ASK CRYSTAL
15 TO RESPOND TO THAT.

16 MS. QUINLY: WE WILL APPLY ONLY FOR THE
17 20 ACRES. AND THE CITY HAS INDICATED THAT THEY
18 WOULD DO THAT.

19 BOARD MEMBER RELIS: WELL, MS. CRYSTAL -
-

20 MS. QUINLY: CRYSTAL QUINLY.

21 BOARD MEMBER RELIS: QUINLY. SORRY.
22 WHILE YOU'RE UP THERE, YOU MADE THE STATEMENT
THAT

23 THE FACILITY IS OPERATING WITH APPROPRIATE FIRE

24 CONTROLS.
25 MS. QUINLY: YES.

1 BOARD MEMBER RELIS: WOULD YOU ELABORATE
2 ON THAT IN LIGHT OF WE HEARD JUST AN ASSERTION
3 THAT THERE ISN'T ADEQUATE FIRE PROTECTION.

4 MS. QUINLY: AS INDICATED BY THE FIRE
5 CHIEF IN MANTECA, BTI DOES HAVE FIRE CONTROL IN
6 PLACE.

7 BOARD MEMBER RELIS: WHAT DOES AS
8 INDICATED MEAN? IS THAT A CONVERSATION? IS
9 THAT --

10 MS. QUINLY: YES. HE WAS ON SITE. I
11 HAVE SPOKE WITH HIM AT LEAST THREE TIMES SINCE
12 YOUR LAST MEETING AS A BOARD.

13 BOARD MEMBER RELIS: COULD YOU DESCRIBE
14 THE SYSTEM?

15 MS. QUINLY: WELL, WE DO HAVE THE WATER
16 TANK ON SITE. WE HAVE THREE WATER TRUCKS
17 AVAILABLE. WE KEEP OUR PILES MANAGED AND SMALL,
18 SO THERE IS NOT A FIRE HAZARD. AND ALSO, WE HAVE
19 LOADERS. LIKE I SAID, THE EMERGENCY FIRE PLAN IS
20 IN PLACE. ALL THE WATER IS AVAILABLE.

21 BOARD MEMBER RELIS: SO LET ME JUST --
22 THERE'S A DIFFERENCE BETWEEN WATERING A COMPOST
23 PILE FOR KEEPING THE MOISTURE CONTENT IN AND FIRE
24 SUPPRESSION. FIRE SUPPRESSION USUALLY HAS
25 PRESSURE HOSES, ETC. DO YOU HAVE THAT KIND OF

1 EQUIPMENT?

2 MS. QUINLY: WE DO, BUT I COULD NOT TELL
3 YOU WHAT THE GALLONS PER HOUR IS.

4 BOARD MEMBER RELIS: COULD ANYONE?

5 MR. BROWNTON: THE REQUIREMENT FROM THE
6 CITY OF MANTECA FIRE DEPARTMENT FOR THE 20 ACRES
7 OF COMPOSTING IS THAT WE HAVE 55-GALLON BARRELS
8 FULL OF WATER WITH SMALL PAILS TO EXTINGUISH
9 FIRES. THEY HAVE NOT REQUIRED US TO PUT FIRE
10 HYDRANTS ON THE 20-ACRE PROPERTY. I'M LOOKING FOR
11 THAT INFORMATION RIGHT NOW.

12 BOARD MEMBER RELIS: OKAY. AND THAT'S
13 DELINEATED SOMEWHERE, THAT -- YOUR DESCRIPTION OF
14 YOUR FIRE CONTROL SYSTEM IS A SUBJECT OF A WRITTEN
15 UNDERSTANDING WITH THE CITY?

16 MR. BROWNTON: YES. IT IS IN THE PERMIT
17 FOR CUP WITH WEAVER INDUSTRIES AS AN INDEX TO
18 THEIR APPLICATION. IT STATES THAT THE COMPOSTING
19 YARD HAVE 55-GALLON BARRELS FULL OF WATER. AND
20 THAT IS WHAT WE DO HAVE THERE.

21 I -- UNFORTUNATELY, I DON'T KNOW
22 THAT I BROUGHT THE PERMIT. SINCE IT'S A LOCAL
23 ISSUE, I DON'T KNOW THAT I BROUGHT THE PAPERWORK
24 FOR THAT PARTICULAR ISSUE. BUT THAT IS THE
25 STATEMENT, AND THAT IS WHY THE FIRE CHIEF TOLD

1 CRYSTAL THAT WE ARE WITHIN COMPLIANCE. NO DOUBT
2 THAT WEAVER IS NOT IN COMPLIANCE. I MEAN THERE'S
3 NO QUESTION ABOUT THAT. WE ARE ON OUR PROPERTY.

4 BOARD MEMBER JONES: COULD YOU STAY UP
5 THERE JUST FOR A SECOND, PLEASE? MR. CHAIRMAN.

6 CHAIRMAN PENNINGTON: SURE.

7 BOARD MEMBER JONES: I'D JUST LIKE TO ASK
8 A FEW QUESTIONS. THE WATER TANK AND THE THREE
9 WATER TRUCKS THAT YOU INDICATED, WHOSE ARE THOSE?
10 ARE THEY BTI'S OR WEAVER'S?

11 MR. BROWNTON: THEY ARE BTI'S. THE WATER
12 TANK IS PART OF OUR LEASE. IT'S PART OF THE
13 PROPERTY, BUT IT'S PART OF OUR LEASE THAT WE HAVE
14 ACCESS TO THAT WATER.

15 BOARD MEMBER JONES: THE CONCERNS THAT
16 THE HOMEOWNER BROUGHT UP, HAS THE LEA BEEN
17 INVOLVED IN THOSE CONCERNS, OR HAS BTI BEEN
18 INVOLVED IN THOSE ISSUES, OR DID HE GO TO THE
19 WRONG AGENCIES? HAS HE COME AND TALKED TO YOU
20 ABOUT THESE THINGS, MR. HAYES?

21 MR. BROWNTON: YOU KNOW, HE HAS NOT
22 TALKED TO ME PERSONALLY. POSSIBLY CRYSTAL QUINLY.
23 BUT I CAN RESPOND TO HIS COMMENTS THAT HE MADE.
24 AND THAT IS THAT I AGREE WITH HIM 110 PERCENT. HE
25 HAS A DUST PROBLEM THERE. AND IT'S NOT FAIR TO

1 HIM THE WAY THAT WEAVER IS CONDUCTING THEIR
2 BUSINESS.

3 WE WORK ON A DAILY BASIS TO SUPPRESS
4 OUR DUST FROM OUR COMPOST TURNERS. AND I WILL NOT
5 SIT HERE AND TELL YOU THAT WE NEVER HAVE SOME DUST
6 COME OFF OUR COMPOST YARD. IF I DID, IT WOULD BE
7 RIDICULOUS. BUT WE ARE WORKING ON IT ALL THE
8 TIME. AND IF HE HAS -- AND IT'S VERY HARD TO
9 DISTINGUISH BETWEEN COMPOSTED MATERIAL, SAWDUST --
10 AND I KNOW WHAT HE MEANS BY SAWDUST. ANYTHING
11 THAT FLIES IN THE AIR, TO ME, IS SAWDUST TOO.

12 WITH WEAVER'S OPERATION OF CHIPPING
13 AND GRINDING, ALL THAT STUFF LOOKS THE SAME OVER
14 THERE. AND WHATEVER GETS ON YOUR CAR OR IN YOUR
15 HOUSE IS NOT NICE. AND THAT'S WHY WEAVER NEEDS TO
16 COMPLY WITH THE REGULATIONS SET FOR THEIR CUP. WE
17 ARE COMPLYING.

18 BOARD MEMBER JONES: YOU KNOW, I KNOW
19 THIS ISN'T A COMFORTABLE SITUATION TO GO THROUGH,
20 BUT, YOU KNOW, WE'VE -- I WENT OUT TO YOUR SITE.
21 I TOLD YOU AT THE LAST MEETING I THINK YOU RUN A
22 NICE SITE. I THINK YOUR PRODUCT IS GOOD. YOU
23 KNOW, WE CAN'T PICK OUR RELATIVES, BUT WE CAN PICK
24 OUR FRIENDS AND WHO WE DO BUSINESS WITH. AND SO
25 THAT'S NOT MY CHOICE. THAT WAS BTI'S CHOICE AS TO

1 WHO TO GET HOOKED UP WITH OR WHO TO SUBLEASE FROM.

2 WHAT I HAVE A PROBLEM WITH IS, AS AN
3 OPERATOR, I ALWAYS TRY TO KEEP MY NEIGHBORS HAPPY.
4 I MEAN I BUILT MRF'S WITHIN A HUNDRED YARDS OR A
5 HUNDRED FEET REALLY OF NEIGHBORS. THEY NEVER
6 COMPLAINED BECAUSE YOU DO THINGS TO MAKE SURE THAT
7 THEY'RE NOT IMPACTED BY THE SITUATION.

8 THIS A LITTLE BIT HARDER BECAUSE
9 YOU'VE GOT A 20-ACRE CARVED OUT FACILITY OF AN
10 80-ACRE DISASTER. AND HOW DO WE DEAL WITH THIS
11 ISSUE? ONE THING I DON'T UNDERSTAND IS WHY THE
12 SAWDUST IS EVEN BEING DONE THERE NEXT TO THE
13 NEIGHBOR WHERE HE DOES HIS SAWDUST GRINDING, WHY
14 IT'S NOT DONE ON THE OTHER SIDE OF THE PROPERTY
15 WHERE THERE IS NO IMPACT TO THE RESIDENTS. BUT I
16 MEAN THAT'S A WEAVER ISSUE, BUT MR. HAYES HAS
17 REALLY VALID CONCERNS. THOSE PICTURES ARE
18 DISTURBING.

19 AND THERE IS ALWAYS GOING TO BE
DUST
20 COMING OFF COMPOSTING, AND WE'RE PROMOTING
21 COMPOSTING. I MEAN WE UNDERSTAND THAT THAT'S
22 WHERE WE'RE GOING TO GET -- HOW WE'RE GOING TO
GET
23 TO THE 50-PERCENT GOAL. SO I FULLY APPRECIATE
24 WHAT YOU ARE TRYING TO DO THERE, BUT -- YOU

KNOW,
25 I HAVE -- I HAVE CONCERNS ABOUT THE TREATMENT,
YOU

1 KNOW, TO THE NEIGHBORS AND WHAT THAT DOES TO THE
2 INDUSTRY AS A WHOLE. YOU KNOW, IT DOESN'T TAKE
3 VERY MANY BAD ACTORS. AND I'M NOT SAYING YOU'RE
4 ONE OF THEM. I'M SAYING YOU'RE GOOD ACTOR. BUT
5 IT DOESN'T TAKE VERY MANY TO RUIN A REPUTATION AND
6 RUIN A WHOLE STREAM OF PROCESSING THAT WE NEED TO
7 GET TO 50 PERCENT.

8 SO I DON'T KNOW HOW WE ADDRESS THE
9 ISSUES OF MR. HAYES. I DON'T KNOW IF THE LEA CAN
10 PUT A CONDITION OR DO SOMETHING. I MEAN IF
11 THEY'RE NOT WATERING THEIR AREA OR NOT DOING THOSE
12 TYPES OF THINGS -- I DON'T HAVE A PROBLEM WITH
13 INCIDENTAL DUST, OKAY, IT'S JUST PART OF LIFE.
14 BUT SOME OF THIS STUFF DOESN'T LOOK INCIDENTAL.
15 IT LOOKS LIKE BLATANT DISREGARD BY YOUR -- WHO
16 YOU'RE SUBLEASING FROM MAYBE, YOU KNOW, TO JUST
17 DISREGARD WHAT MR. HAYES IS EVEN TALKING ABOUT.

18 BOARD MEMBER RELIS: I WONDER IF I COULD
19 SAY A WORD ON THAT. MR. JONES, IT SEEMS TO ME
20 WHAT WE'VE GOT HERE, OKAY, IS AN OPERATION WITHIN
21 AN OPERATION. THE WITHIN THE LARGER OPERATION HAS
22 BEEN OPERATING AS A BONA FIDE COMPOSTING FACILITY
23 MEETING STATE MINIMUM STANDARDS. IF THEY WERE TO
24 GO OUT OF BUSINESS TOMORROW, THE FUNDAMENTAL
25 SITUATION THERE WOULD NOT CHANGE BECAUSE THE

1 WEAVER PROBLEM IS THE PROBLEM HERE, AS I HEAR
2 STAFF AND HAVE HEARD THE ACCOUNTS OF VISITATIONS.

3 AND OUR PROBLEM IS WITH WEAVER. AND
4 WE DEVELOPED EMERGENCY REGULATIONS TO GO AFTER
5 THESE STORAGE PROBLEMS. THIS GUY IS A BAD ACTOR.
6 HE SHOULDN'T BE OPERATING. HE COLLECTED MONEY
7 FROM PEOPLE, PRESUMABLY, TO BRING MATERIAL IN AND
8 PROCESS. IT'S NOT UNLIKE THE FACILITY WE DEALT
9 WITH A MONTH AGO OR TWO IN SAN BERNARDINO. AND I
10 THINK WE HAVE TO ASK OURSELF THE QUESTION WHERE
11 WOULD THE HARM LIE? IF WE WERE TO NOT ACCEPT THIS
12 PERMIT, WE WOULD SEE A BONA FIDE OPERATION GO OUT
13 OF BUSINESS UNTIL SUCH TIME WHEN SOME CONDITIONAL
14 USE THING GETS WORKED OUT, WHICH I WOULD HATE TO
15 SEE. AND MORE IMPORTANTLY, IT WILL DO NOTHING TO
16 AFFECT THE WEAVER SITUATION.

17 SO THAT'S HOW I WOULD FRAME THE
18 PREDICAMENT. I DON'T LIKE THE FACT -- I THINK YOU
19 DID PICK A BAD PARTNER. THAT'S REFLECTING ON YOU.
20 I THINK THAT'S UNFORTUNATE, BUT YOU DID. AND WE
21 CAN'T DO ANYTHING TO HELP YOU ON THAT SCORE. AND
22 THAT WILL PROBABLY -- EVEN IF THIS BOARD SUPPORTS
23 YOUR PERMIT, YOU WILL STILL BE DEALING WITH THE
24 FALLOUT OF THAT WEAVER SITUATION.

25 SO I JUST HOPE IN SPEAKING TO THE

1 WEAVER SITE, WHICH IS NOT THE PERMIT BEFORE US,
2 THAT WE CAN USE EVERY POSSIBLE ENFORCEMENT TOOL TO
3 GET THAT MESS TAKEN CARE OF. IT'S A BLIGHT ON THE
4 COMPOST INDUSTRY. IT'S A BLIGHT ON LEGITIMATE
5 OPERATIONS. IT'S A THREAT TO THE BOARD'S MEETING
6 ITS DIVERSION REQUIREMENT. SO I'LL LEAVE IT
7 THERE.

8 MR. BROWNTON: IN MY RESPONSE, FIRST, TO
9 MR. JONES, I AGREE WITH YOU AND MR. RELIS ALSO,
10 THAT WE CHOSE A POOR PARTNER. AND WE DIDN'T
11 REALIZE THAT UNTIL WE GOT DOWN THE ROAD A LITTLE
12 BIT, AND WE STARTED IN JANUARY TO CHANGE TO
13 SEPARATE. AND IF YOU HAVE -- I'M JUST THINKING OF
14 AN ANALOGY. IF YOU HAVE A MOUSE IN THE WALL AND
15 YOU TAKE THE CAT AWAY FROM THE HOLE, THEN THE
16 MOUSE IS GOING TO GO ALL OVER THE PLACE. I THINK
17 WITH US BEING THERE, WE CAN BE AN EXAMPLE AND HELP
18 WEAVER. AND BELIEVE ME, I HAVE A FAMILY TOO. AND
19 WE HAVE BEEN WORKING WITH WEAVER CONSTANTLY TO TRY
20 TO GET THAT SIDE OF THE PROPERTY CLEANED, AND WE
21 JUST HAVE GOTTEN NOWHERE.

22 SO WE NEED SOME HELP. WE NEED HELP
23 FROM THE LEA. BUT MOST IMPORTANTLY WE NEED THE
24 HELP FROM THE STATE INTEGRATED WASTE MANAGEMENT
25 BOARD TO APPROVE OUR PERMIT AND LOOK OUTSIDE OF

1 THE CUP ISSUES, THE FIRE ISSUES, AND THOSE LOCAL
2 ISSUES THAT ARE GOING TO BE TAKEN CARE OF RIGHT
3 THERE AT HOME. THE FACT OF THE MATTER IS,
4 ACCORDING TO THE PRC, WE ARE -- HAVE COVERED EVERY
5 BASE AS FAR AS BEING A -- HAVING A STANDARDIZED
6 COMPOSTING OPERATION.

7 AND WE REALIZE -- WE'RE NOT
8 CONDONING THE SITUATIONS THAT ARE HAPPENING THERE
9 AT THAT 80-ACRE SITE. AND I WILL DO ALL I CAN AND
10 OUR STAFF TO HELP CLEAN UP THE EMBARRASSMENT OF AN
11 80-ACRE SITE, THAT 20 ACRES OF IT LOOKS GREAT.
12 WE'LL TAKE -- WE'LL HELP DO THE OTHER 60. BUT IF
13 WE'RE NOT THERE, THE DUST PROBLEM IS GOING TO
14 REALLY BE BAD BECAUSE THERE AIN'T GOING TO BE
15 ANYBODY THERE TO TAKE CARE OF IT. SO, YOU KNOW,
16 BASED ON THESE PRC REGULATIONS, I THINK WE NEED TO
17 CONCUR WITH THIS PERMIT.

18 IS THERE ANY OTHER QUESTIONS?

19 MS. TOBIAS: MR. CHAIR, I DON'T HAVE ANY
20 MORE QUESTIONS, BUT I DO HAVE A COUPLE OF COMMENTS
21 TO TRY AND CLARIFY A COUPLE POINTS. ONE IS I
22 WOULD LIKE TO SAY, JUST TO TRY TO CLARIFY THIS
23 ISSUE OF THE USE PERMITS, WHEN WE DID THE
24 REGULATIONS FOR THESE TYPES OF PROJECTS, WE DID
25 NOT INCLUDE A CONDITIONAL USE PERMIT AS A

1 REQUIREMENT OF THE PROJECT APPLICATION BECAUSE IT
2 DIFFERS SUBSTANTIALLY FROM JURISDICTION TO
3 JURISDICTION AS TO WHETHER THEY REQUIRE A USE
4 PERMIT FOR THESE KINDS OF ACTIVITIES. AND SO IT
5 DIDN'T MAKE ANY SENSE FOR US TO REQUIRE A USE
6 PERMIT AND THEN HAVE JURISDICTIONS SAY "BUT WE
7 DON'T REQUIRE A USE PERMIT."

8 SO WITH THE STANDARDIZED PERMIT,
9 THEY REALLY MORE STAND ON THEIR OWN, IF YOU WILL,
10 TO MEET OUR STATE MINIMUM STANDARDS. BUT THE
11 ISSUE OF A USE PERMIT IS REALLY NOT AN ISSUE
12 TODAY. I THINK IT'S CERTAINLY OF SOME CONCERN,
13 YOU KNOW, TO THE CITY AND TO -- AND PROBABLY TO
14 OTHER PROJECT APPLICANTS WHO MAY BE REQUIRED TO
15 GET A USE PERMIT EITHER IN THEIR JURISDICTION OR
16 THIS SAME JURISDICTION, BUT IT'S REALLY NOT AN
17 ISSUE THAT'S RELEVANT IN TERMS OF YOUR DECISION
18 HERE BEFORE THE BOARD TODAY.

19 THE FIRE PREVENTION ISSUES ARE
20 CERTAINLY. WE DO HAVE A MINIMUM STANDARD ON THAT,
21 AND THAT IS SOMETHING THAT IS BEFORE THE BOARD.
22 AND SO I'M NOT COMMENTING ON WHETHER OR NOT HE'S
23 REALLY LOOKED AT IT, BUT IN SOME OF THE TESTIMONY
24 IT'S BEEN SAID, WELL, THAT'S BEING TAKEN CARE OF
25 BY THE LOCAL FIRE DISTRICT, BUT IT IS SOMETHING

1 THAT CAN BE BEFORE THE BOARD.

2 WHEN IT'S APPROPRIATE, I'D ALSO LIKE
3 TO ADDRESS THE ISSUES THAT I BROUGHT FORWARD AT
4 THE LAST MEETING IN TERMS OF THE SUBDIVISION MAP
5 ACT, SO I CAN ADDRESS THAT EITHER NOW OR WHENEVER
6 IS APPROPRIATE.

7 CHAIRMAN PENNINGTON: GO AHEAD.

8 MS. TOBIAS: LAST TIME YOU WILL RECALL I
9 BROUGHT UP THE ISSUE OF WHETHER THIS PROJECT
10 APPLICANT HAD A LEGAL PARCEL. WHAT I WAS REALLY
11 TRYING TO GET TO, I WAS USING A SHORTHAND WAY OF
12 ADDRESSING THE FACT THAT WE NEED TO HAVE ALL THE
13 SIGNATURES OF ANYONE WHO HAS AN OWNERSHIP, AN
14 INTEREST IN PROPERTY, PLUS WE NEED A LEGAL
15 DESCRIPTION OF THE PROPERTY IN ORDER TO DO OUR
16 ENFORCEMENT.

17 SO WHAT WE NEED TO HAVE AND WHAT WE
18 USUALLY REQUIRE IS SIGNATURES FROM ALL THE
19 LANDOWNERS. IN THIS CASE, AS I RECALL -- AND
20 TERRY OR CODY CAN CORRECT ME -- WE HAD THE
21 LANDOWNER'S SIGNATURE AND OBVIOUSLY THE
22 APPLICANT'S SIGNATURE, BUT NOT THE LESSEE'S
23 SIGNATURE. SO ESSENTIALLY WE DID NOT HAVE ONE
24 PERSON WHO HAS AN INTEREST IN THE PROPERTY AND IS,
25 IN FACT, CONVEYING THEIR INTEREST IN THE PROPERTY,

1 WE DID NOT HAVE THEIR SIGNATURE ON THE
2 APPLICATION. THAT'S BEEN RESOLVED.

3 THEN THE MATTER WAS FURTHER
4 COMPLICATED BY THE FACT THAT THE APPLICANT WAS
5 TRYING TO RESPOND TO SOME OF THE ISSUES AND TRYING
6 TO CHANGE SOME OF THE PROPERTY DESCRIPTIONS AT THE
7 MEETING. NORMALLY WHAT A PARCEL GIVES YOU, IF
8 YOU'VE GONE THROUGH THE SUBDIVISION MAP ACT, IS A
9 LEGAL DESCRIPTION THAT'S DONE BY A SURVEYOR SO
10 THAT YOU HAVE METES AND BOUNDS ON THE PROPERTY.

11 WHEN YOU DON'T HAVE A PARCEL, THEN
12 WE DON'T ALWAYS HAVE A LEGAL DESCRIPTION. WE
13 DECIDED, AFTER REVIEWING THIS MAP THAT WAS
14 PROVIDED BY BTI, THAT IS SUFFICIENT IN THIS CASE.
15 BUT I THINK THAT YOU CAN EXPECT TO SEE MORE OF
16 THESE KINDS OF ISSUES BECAUSE WE ARE PERMITTING
17 MORE PROJECTS WHERE WE HAVE LESS SOPHISTICATED
18 APPLICANTS GOING THROUGH THE PROCESS OR JUST
19 PEOPLE WHO ARE NOT FAMILIAR WITH THE PERMITTING
20 PROCESS. SO I WOULD ANTICIPATE THAT FOR A PERIOD
21 OF SEVERAL MONTHS OR A YEAR OR WHATEVER, THAT WE
22 MIGHT CONTINUE TO SEE SOME OF THESE ISSUES TRYING
23 TO BE RESOLVED, AND THERE'S GOING TO BE SOME KIND
24 OF ROCKINESS IN THE PROCESS.

25 I THINK THAT WE'LL PROBABLY NEED TO

1 WORK WITH THE LEA'S ON THIS ISSUE OF BOTH WHO HAS
2 THE OWNERSHIP IN THE PROPERTY AND ALSO WHAT IS THE
3 LEGAL DESCRIPTION AND WHAT SUFFICES FOR THAT LEGAL
4 DESCRIPTION. IS IT GOOD ENOUGH TO HAVE A MAP?
5 DOES IT NEED TO BE A SURVEYED MAP? DOES IT NEED
6 TO BE AN ACTUAL LEGAL DESCRIPTION, ETC.? SO I
7 THINK THAT ISSUE IS RESOLVED HERE TODAY, BUT I DID
8 WANT TO TRY TO INFORM YOU ON WHY I HAD BROUGHT
9 THAT UP AND WHY I THINK THAT WILL CONTINUE TO BE
10 AN ISSUE UNTIL WE CAN GET EVERYBODY KIND OF MOVING
11 ON THE SAME LEVEL.

12 ANY QUESTIONS?

13 CHAIRMAN PENNINGTON: QUESTIONS?

14 MS. TOBIAS: THANK YOU.

15 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
16 DISCUSSION?

17 BOARD MEMBER FRAZEE: MR. CHAIRMAN, AS I
18 INDICATED EARLIER, I VISITED THIS SITE. AND I
19 THINK IT'S UNFORTUNATE THAT A VERY GOOD, WELL-
20 MANAGED SITE IS LOCATED ADJACENT TO ONE THAT IS
21 NOT WELL MANAGED. IN FACT, THE BTI SITE, I THINK,
22 COMPARES FAVORABLY WITH ANY COMPOSTING SITE, IF
23 NOT A NOTCH BETTER THAN SEVERAL THAT I'VE SEEN AND
24 THAT THIS BOARD HAS PERMITTED. AND THAT'S THE
25 ISSUE BEFORE US.

1 IS THEIR SITE AND THE DELINEATION OF
2 THAT SITE. AND INASMUCH AS WE NEED TO DO
3 SOMETHING ABOUT WEAVER, THAT'S NOT THE QUESTION
4 THAT'S BEFORE US HERE. SO I'M WILLING TO SUPPORT
5 THIS PERMIT, ALONG WITH THAT HOPING THAT WE CAN
6 FIND SOME WAY TO JOIN IN THE ACTION AGAINST
7 WEAVER.

8 BOARD MEMBER RELIS: I'LL SECOND THAT.

9 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
10 MOVED AND SECONDED TO ISSUE THE PERMIT. ANY
11 FURTHER DISCUSSION? IF THERE ISN'T, WILL THE
12 SECRETARY CALL THE ROLL, PLEASE.

13 BOARD SECRETARY: BOARD MEMBER CHESBRO.
14 ABSENT. FRAZEE.

15 BOARD MEMBER FRAZEE: AYE.

16 BOARD SECRETARY: GOTCH.

17 BOARD MEMBER GOTCH: AYE.

18 BOARD SECRETARY: JONES.

19 BOARD MEMBER JONES: AYE.

20 BOARD SECRETARY: RELIS.

21 BOARD MEMBER RELIS: AYE.

22 BOARD SECRETARY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: AYE. MOTION --

24 BOARD MEMBER RELIS: MR. CHAIR, IN

LIGHT

25 OF THE DISCUSSION WE'VE HAD TODAY AND MY

1 TEMPERATURE RISING OVER THE WEAVER SITUATION, I
2 WONDER IF IT MIGHT NOT HELP US TO CALENDAR ON A
3 MONTHLY BASIS AS PART OF THE PERMITS AND
4 ENFORCEMENT OR TO THE WHOLE BOARD THE RESULTS
5 OF -- AN ONGOING REPORT ON THE ENFORCEMENT ACTIONS
6 AGAINST THESE BAD ACTORS, AS WE'VE CALLED THEM. I
7 THINK THAT MIGHT HELP US AS WE'RE -- WE'RE GOING
8 INTO OUR REGULATIONS, OUR PERMANENT REGULATIONS,
9 AND IT JUST MIGHT CONTINUE TO REMIND US WHAT SOME
10 OF THE ISSUES ARE AND SOME OF THE DIFFICULTIES WE
11 FACE ENFORCING ONCE PROBLEMS HAVE INDEED OCCURRED.
12 AND I THINK THE SITUATION'S SERIOUS ENOUGH TO HAVE
13 SUCH A REMINDER. AND HOPEFULLY WE'LL SEE
14 PROGRESS, BUT I SENSE GREAT FRUSTRATION OUT THERE.

15 CHAIRMAN PENNINGTON: SOUNDS LIKE A GOOD
16 IDEA, AND THE CHAIR WILL WORK WITH MR. CHANDLER
17 AND MS. RICE TO WORK THAT OUT.

18 IF THERE'S NO OPEN DISCUSSIONS ON
19 THIS PARTICULAR ITEM, WE WILL ADJOURN FOR A BRIEF
20 EXECUTIVE SESSION AND THEN THE PERMITTING AND
21 ENFORCEMENT COMMITTEE WILL MEET.

22
23 (END OF PROCEEDINGS AT 10:30 A.M.)
24
25

